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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,834	11/14/2003	Junichi Ogikubo	450100-04810	2578

7590 10/24/2008
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NEW YORK, NY 10151

EXAMINER

TEKLE, DANIEL T

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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10/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/713,834	Applicant(s) OGIKUBO, JUNICHI	
	Examiner DANIEL TEKLE	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,9,11 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,9,11 and 26-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 30, 2008 has been entered.

Response to Arguments

Applicant's arguments filed July 30, 2008 have been fully considered but they are not persuasive.

Applicant argument regarding the new added limitation to claim 1, the examiner respectively disagree, since Kobayashi adequately provides support for the claimed limitation includes the new cited below.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 29 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claim 29 define a "signal (a program may be transmitted through wired or wireless transmission line. Page 40 in specification) " embodying that same functional descriptive is neither a process nor a product (i.e., a tangible "thing") and therefore does not fall within one of the four statutory of 101.

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Rather, "signal" is a form of energy, in the absence of any physical structure or tangible material.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1, 5, 9, 11 and 26-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi (US 7,149,408).

Regarding Claim 1: Kobayashi disclose an apparatus for controlling image display comprising: a determining unit configured to determine whether or not material data is combined with frame rate information as associated information (**column 2 lines 4-16**); and a controller configured to control image display to display material data along a time axis in a reproduction order in a frame image representation region, the frame image representation region having a width that is altered according to a reproduction time calculated based on a reproduction speed, the width of the frame image representation region representing the entire reproduction time of the material data (**column 5 lines 34-55 and columns 8 lines 43-52**).

Regarding Claim 5: Kobayashi disclose an apparatus according to claim 1, wherein controller sets a speed range available for reproduction on said material data based on said associated information, and controller controls the image display to display set speed range **(column 4 lines 17-26)**.

Regarding Claim 9: Kobayashi disclose an apparatus according to claim 5, wherein controller controls image display to display an indication for indicating the reproduction speed **(column 8 lines 26-43)**.

Regarding Claim 11: Kobayashi disclose an apparatus according to claim 5, wherein controller controls the image display to display set speed range with an indication for indicating the reproduction speed **(column 8 lines 26-43)**; wherein indication varies in Synchronization with alteration according to an operation for altering indicated width of material data in frame image representation region **(column 8 lines 43-47)**; and wherein indicated width of frame image representation region varies in synchronization with alteration according to an operation for adjusting the indication**(column 8 lines 43-52)**.

Regarding Claim 26: Kobayashi disclose an apparatus according to claim 1, wherein said indicated width of the frame image representation region becomes longer when the reproduction speed of said data materials is altered to be slower, while said indicated width of the frame image representation region becomes shorter when the reproduction speed of said data materials is altered to be faster **(column 8 lines 26-42)**.

Regarding Claim 27: Kobayashi disclose an apparatus according to claim 1, wherein the reproduction speed of data materials becomes slower when indicated width of the

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frame image representation region is altered to be enlarged, while the reproduction speed of data materials becomes faster when indicated width of the frame image representation region is altered to be shortened (**column 8 lines 26-42**).

Regarding Claims 28-29: Claims 28-29 are rejected for the same subject matter as claim 1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621
/Daniel Tekle/
Examiner, Art Unit 2621